

UNITED STATES DISTRICT COURT
U.S. DISTRICT COURT OF MARYLAND
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG 2002 JUL 16 P 2:06
United States District Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

CLERK'S OFFICE
AT BALTIMORE July 15, 2002

DEPUTY

MEMORANDUM TO COUNSEL RE: Casey Mullins, et al. v.
Baltimore City, Maryland
Civil #L-02-1634

Dear Counsel:

Plaintiffs do not oppose the dismissal of the Mayor and City Council of Baltimore. Accordingly, the Mayor and City Council of Baltimore (defendant Baltimore City) are hereby dismissed without prejudice.

The case remains against the police officers, as yet unidentified, who allegedly assaulted the plaintiffs. Because the complaint asserts federal claims against them, the case will not be remanded to the Circuit Court for Baltimore City. Accordingly, the motion for remand is hereby denied. Instead, a scheduling order will be issued. The parties should proceed to discovery, with the first order of business determining, if possible, the identities of the officer defendants.

Plaintiffs are directed to take a Rule 30(b)(6) deposition of the Baltimore City Police Department to determine which officers were on patrol at the Pimlico Race Track on May 19, 2001, whether there were any reports filed concerning the incident alleged in the complaint, and whether there is any way to determine the identities of the officers involved.

Mr. Tabb is to consult with Mr. Phelan. Mr. Phelan will cooperate in assisting Mr. Tabb to determine which officers were involved. If the offices cannot be identified, then counsel shall notify me and I will dismiss the case without prejudice.

Despite the informal nature of this memorandum, it shall constitute an Order of this Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

B. Legg

Benson Everett Legg

c: Court file

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